

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R188-05

Effective February 23, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 386.527.

A REGULATION relating to education; revising provisions relating to the sponsorship of charter schools; and providing other matters properly relating thereto.

Section 1. Chapter 386 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the governing body of a charter school may request a change in the sponsorship of the charter school pursuant to NRS 386.527. Such a request must be made at the time that the written charter for the school would otherwise be renewed by the current sponsor in accordance with the timeline prescribed in subsection 3.

2. A request for a change in sponsorship may not be made if:

(a) The proposed sponsor is a school district other than the school district in which the charter school is located.

(b) The proposed sponsor is the State Board and the charter school will use facilities in more than one county.

3. A request for a change in sponsorship must be submitted to the proposed sponsor not more than 200 days and not less than 180 days before the expiration of the current charter and must include:

- (a) An application for renewal of the charter school;*
- (b) A copy of the most recently approved application to form a charter school; and*
- (c) A copy of the written agreement with the current sponsor.*

4. A proposed sponsor may approve a request for a change in sponsorship if:

(a) The school is in sound financial condition as determined by the most recent annual audit required by NAC 386.380;

(b) The school is not:

(1) Currently on the list of schools that failed to make adequate yearly progress, commonly referred to as the “watch list,” which is maintained by the Department; or

(2) Designated as demonstrating need for improvement;

(c) The school’s most recent annual report of compliance required by NAC 386.410 does not indicate a noncompliant item; and

(d) The school agrees to sign a new written agreement with the new sponsor. The written agreement may differ from the written agreement which the charter school signed with the current sponsor.

5. The governing body of a charter school shall submit a copy of a request for a change in sponsorship to the current sponsor of the charter school.

6. If a request for a change in sponsorship is denied:

(a) The renewal of the charter school by the proposed sponsor shall be deemed denied; and

(b) The charter school may apply to the current sponsor for renewal.

Sec. 2. NAC 386.010 is hereby amended to read as follows:

386.010 As used in NAC 386.010 to 386.445, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 386.020 to 386.050, inclusive, have the meanings ascribed to them in those sections.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R188-05**

**New Language for NAC 386, amendments to NAC 386.010, .125, .202, .220, .345, .365, .410,
and the Repeal of 386.080: Charter School Regulations**

The State Board of Education adopted regulations assigned LCB File No. R188-05 which pertain to chapter 386 of the Nevada Administrative Code on January 21, 2006.

Notice date: 10/25/2005

Date of adoption by agency: 1/21/2006

Hearing date: 1/21/2006

Filing date: 2/23/2006

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 150 individuals and educational organizations. One workshop was held on December 3, 2005. There were no public comments.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions for amendments to NAC 386, Charter School Regulations, was sent to approximately 150 individuals and educational organizations. A public hearing was conducted on December 3, 2005 and a second on January 21, 2006 to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

2. The Number of Persons Who:

a) Attended Each Hearing: Workshop: 29 First Hearing: 32 Second Hearing: 13

b) Testified at Each Hearing: Workshop: 0 First Hearing: 0 Second Hearing: 3

c) Submitted Written Statements: Workshop: 0 First Hearing: 0 Second Hearing: 0

A copy of any written comments may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of October 25, 2005 and a public hearing notices of October 25, 2005 and December 14, 2006. At the October 25, 2005 Workshop to Solicit Comments, there were no public comments to the proposed language revisions. At the October 25, 2005 public hearing there were no public comments. As the January 21, 2006 public hearing there were three public comments to the proposed language.

Summary of Comments

Workshop Comments:

There were none.

Public Hearing Comments:

Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District, stated the District supports this language, particularly language that addresses governing body members' responsibilities; and that the statutory requirements will improve school function and improve relationships with school districts.

Craig Kadlub, Governmental Affairs, Clark County School District, agreed with Dr. Merrill's comments and the only issue he did have with it he discussed with Tom McCormack, Consultant for Charter Schools, and is now completely fine with the presented language.

Ricci Elkins, Executive Director for the Center for Charter School Development, stated they are also in support of the language and appreciate the hard work the Department has done to ensure equitability among Charter Schools in Nevada.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Nevada State Board of Education adopted Legislative Counsel Bureau language, File #R171-05 and File #R188-05 at a public hearing held January 21, 2006. The need and purpose of the amendment to the language is the 2005 Nevada State Legislature amended charter school laws; and these regulations clarify procedures to be used in implementing the changes brought about by SB 56, AB 162 and AB 180.

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

There is no immediate or long term economic effect on charter schools or school districts.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no cost to the Department to adopt these regulations.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There is no duplication or overlap of state or local governmental agencies.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No new fees are established and no increases to existing fees.